

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO PEARSON,	:
Plaintiff	:
v.	:Case No. 3:09-cv-54-KRG-KAP
SECRETARY BEARD, <u>et al.</u> ,	:
Defendants	:

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 31, 2017, ECF no. 101, recommending in the alternative that the plaintiff's complaint be dismissed for failure to prosecute and that summary judgment be granted to the remaining defendants. The parties were given notice that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to this Report and Recommendation. No objections have been filed and the time to do so has expired.

After review of the record of this matter, the recommendation of the Magistrate Judge, the lack of objections thereto, and the six factors to be weighed in considering whether dismissal of a civil case as a sanction for failure to prosecute is proper, see Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863, 868 (3d Cir.1984), the following order is entered:

AND NOW, this 26th day of September 2017, it is

ORDERED that the complaint is dismissed with prejudice for failure to prosecute, and the motion for summary judgment at ECF no. 97 is granted. The Report and Recommendation is adopted as the Opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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